

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE PRESCRIPTION OPIATE
LITIGATION

This document relates to:
Case No. 1:18-op-45776-DAP

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SANTA FE,

Plaintiff,

vs.

PURDUE PHARMA, et al.,

Defendants.

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**PLAINTIFF'S MOTION TO STRIKE
DEFENDANT'S THIRD PARTY COMPLAINT**

COMES now Board of County Commissioners of the County of Santa Fe, by Counsel, with this Motion to Strike Defendants' Third Party Complaint. Plaintiff moves to strike Defendant, Kroger's, Third Party Complaint against Defendants John and Jane Does 1-5000 (Doc. No. 45).¹ Pursuant to the Track Eleven Case Management Order for the Board of County Commissioners of the County of Santa Fe, New Mexico section C(4) (Doc. No. 26), Plaintiff hereby incorporates by reference the similar motion to strike filed in Track 3 (MDL Doc. #3542) and identifies this additional briefing and Order:

- Pharmacy Defendants' Opposition to the Motion (MDL Doc. #3551);
- Plaintiffs' Reply (MDL Doc. No. 3556); and

¹ All references to "Doc. No. __" refer to the docket entries in Case No. 1:18-op-45776, and all references to "MDL Doc. No. __" refer to the master docket in 1:17-md-2804.

- the November 18, 2021 Order Granting the Motion to Strike (MDL Doc. No. 3561).

CONCLUSION

For the reasons stated in the Track 3 Plaintiffs' briefing identified above and in the Order Granting the Motion to Strike in Track 3, Plaintiff's Motion to Strike should be granted.

Dated: January 11, 2022

Respectfully submitted,

/s/ Jayne Conroy

Jayne Conroy
Laura Fitzpatrick
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6400
(212) 213-5949 (Fax)
jconroy@simmonsfirm.com
lfitzpatrick@simmonsfirm.com

Sarah Burns
Jo Anna Pollock
One Court Street
Alton, IL 62002
(618) 259-2222
sburns@simmonsfirm.com
jpollock@simmonsfirm.com

Erin K. Dickinson
Charles J. Crueger
Krista K. Baisch
CRUEGER DICKINSON LLC
4532 N Oakland Avenue
Whitefish Bay, WI 53211
(414) 210-3868
ekd@cruegerdickinson.com
cjc@cruegerdickinson.com
kkb@cruegerdickinson.com

Attorneys for Plaintiff

Justin R. Kaufman
Rosalind B. Bienvenu
Caren I. Friedman
DURHAM, PITTARD & SPALDING, LLP
505 Cerrillos Road, Suite A209
Santa Fe, NM 87501
(505) 986-0600
jkaufman@dpslawgroup.com
rbienvenu@dpslawgroup.com
cfriedman@dpslawgroup.com

*Counsel for Board of the County
Commissioners of the County of Santa Fe*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 11, 2022, I electronically filed the foregoing document and served on counsel of record using the CM/ECF system.

/s/ Jayne Conroy

Jayne Conroy
SIMMONS HANLY CONROY